

Sixth Appellate District

San Jose, California

TUESDAY, SEPTEMBER 4, 2007

The following cases are submitted this date:

H030101 PEOPLE v. GHOBADI
H030742 PEOPLE v. HERRERA
H030141 PEOPLE v. DUONG
H030316 PEOPLE v. TORRES
H030831 PEOPLE v. WILLIAMS
H030990 COLISTRA v. DELICIOUS DELIGHT INTERNATIONAL, et al.
H030733 PEOPLE v. MARTINEZ
H030874 PEOPLE v. DREHER
H030866 FOMENKO v. KOLODYAZHNAYA
H031336 VASSALLO v. NAYA NETWORKS, INC.
H031034 PEOPLE v. GUERRERO

H030362 PEOPLE v. SMITH

The abstract of judgment is ordered modified to state that the amounts of both the restitution fine (§1202.4, subd.(b)), and the suspended parole revocation fine (§1202.45) are \$10,000. As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections and Rehabilitation.

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed September 4, 2007

H029830 BARON, etc. v. FIRE INSURANCE EXCHANGE

The judgment is affirmed. Respondent is entitled to attorney fees for this appeal in an amount to be determined by the trial court, consistently with *Brandt v. Superior Court, supra*, 37 Cal. 3d at pages 817-819. The parties shall otherwise bear their own costs on appeal. (published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed September 4, 2007

H031113 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)

(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed September 4, 2007

WEDNESDAY, SEPTEMBER 5, 2007

The following cases are submitted this date:

H026841 SCHMIDLIN v. CITY OF PALO ALTO, et al.
H027685 SCHMIDLIN v. CITY OF PALO ALTO, et al.

Sixth Appellate District

San Jose, California

Wednesday, September 5, 2007 (continued)

H030220 PEOPLE v. RUBALCABA

The decision in this case filed on January 12, 2007, is ordered vacated. After reconsideration in light of *Crandell, supra*, 40 Cal.4th 1301, as ordered by the California Supreme Court, the judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed September 5, 2007

H030201 SMITH on Habeas Corpus

The superior court is directed to direct the Board of Parole Hearings to discharge Smith from parole. As modified, the court's order is affirmed. (not published)
(Duffy, J.; I concur: McAdams, Acting P.J.; Concurring opinion by Mihara, J.)
Filed September 5, 2007

THURSDAY, SEPTEMBER 6, 2007

(No minute approved orders)

FRIDAY, SEPTEMBER 7, 2007

H031061 PEOPLE v. DATU

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed September 7, 2007

H030687 PEOPLE v. CIPRIAN

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed September 7, 2007

The following cases are submitted this date:

H031417 In re TAJANA G.; D.F.C.S. v. ROBERT G.

H031246 In re JOHN D.; D.F.C.S v. RAEINEZ D.

H030907 SALIBA v. NADASDY